

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 26 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTHONY BUSH, individually and on
behalf of all others similarly situated,

Plaintiff - Respondent,

v.

RUST-OLEUM CORPORATION,

Defendant - Petitioner.

No. 24-913

D.C. No.

3:20-cv-03268-LB

Northern District of California,
San Francisco

ORDER

Before: VANDYKE and MENDOZA, Circuit Judges.

The motion for an extension of time to answer the petition (Docket Entry No. 8) is granted.

The petition for permission to appeal is denied. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952, 959-60 (9th Cir. 2005) (describing factors this court considers in analyzing a Rule 23(f) petition).

The motion to file portions of the excerpts of record under seal (Docket Entry No. 7) is denied without prejudice to renewal, in compliance with Ninth Circuit Rule 27-13. The motion to seal is based solely on the fact that the documents were filed under seal in the district court pursuant to the stipulation of the parties. This is not a sufficient basis for sealing in this court. *See* 9th Cir. R. 27-13(a). A motion to seal must “explain the specific reasons for this relief and

describe the potential for irreparable injury in the absence of such relief.” 9th Cir. R. 27-13(e). A motion to seal must also “request the least restrictive scope of sealing and be limited in scope to only the specific documents or portion of documents that merit sealing.” *Id.*

Any renewed motion to seal is due within 21 days after the date of this order, and must specifically address why each document must be maintained under seal and whether redaction of those documents would be feasible. The Clerk will file publicly the petition (Docket Entry No. 1-1) and Volume 1 of the non-sealed excerpts of record (Docket Entry No. 1-2). The Clerk will maintain the motion to seal (Docket Entry No. 7-1) and Volume 1 of the sealed excerpts of record (Docket Entry Nos. 1-3, 7-2) under seal until the expiration of the 21-day period, and until disposition of a renewed motion if one is timely filed. If no renewed motion is filed, the Clerk will unseal the motion (Docket Entry No. 7-1) and Volume 1 of the sealed excerpts of record (Docket Entry Nos. 1-3, 7-2).